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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,415	07/12/2001	Paul Goldman	OB-200	3576

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EXAMINER

O CONNOR, CARY E

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 05/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,415

Applicant(s)

GOLDMAN

Examiner

Cary E. O'Connor

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-26 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 27-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Amadera (4,906,187). Amadera shows an oral care device comprising a toothbrush including a head 20 with bristles and a conduit 17 for supplying water, particulate and pressurized air to the head (col. 4, lines 64-66). As to claim 2, note the handle 14. As to claims 3 –5, note that the conduit is located in the handle and the head (see Figure 4). As to claim 6, note column 4, lines 43-44). As to claim 22, note the switch 14c.

Claims 7-9, 13, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hines (5,503,553). Hines shows an oral care device comprising a housing 22, an electric motor and air compressor (pump 64), an enclosed container 41, a first conduit 78 for conducting compressed air from the compressor to the container, and a second conduit 54 from the container to an applicator 108. The specific material contained within the container cannot be given patentable weight in the claim because the material is not positively claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hines (5,503,553) in view of Madsen (3,971,136) and Otani (5,387,182). Hines shows an oral care device comprising a housing 22, an electric motor and air compressor (pump 64), an enclosed container 41, a first conduit 78 for conducting compressed air from the compressor to the container, and a second conduit 54 from the container to an applicator 108. Madsen teaches an oral care device delivering compressed air at a pressure between 15-60 psi, which is effective to remove plaque. It would have been obvious to one of ordinary skill in the art at the time the invention was made to deliver the air of Hines at a pressure between 15-60 psi, as taught by Madsen, because it has been shown that this pressure is effective to remove plaque from the teeth. Otani shows an oral care device having a conduit of about two and a half feet long connected to the handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the second conduit of Hines at least 24 inches long, as taught by Otani, so that the handle may easily reach all areas of the

mouth. . The specific material contained within the container cannot be given patentable weight in the claim because the material is not positively claimed.

Claims 1-6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al (5,203,698) in view of Amadera (4,906,187). Blake shows an oral care device comprising an applicator 34 having a head 33 and a conduit 24 for supplying water particulate and pressurized air to the head. Amadera shows an oral care device wherein the head includes bristles. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide bristle on the head of Blake, as taught by Amadera, in order to enhance the cleaning ability of the device. As to claim 26, note the water and slurry stored in the handle of Blake.

Allowable Subject Matter

Claims 10-12, 27-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The specification is objected to because reference character "34" has been used to designate both a valve (page 3, line 43) and an inlet (page 4, line 8). Correction is required.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cary E. O'Connor whose telephone number is 703-308-2701. The examiner can normally be reached on M-Th, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Luchessi can be reached on 703-308-0858. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-2708 for regular communications and 703-308-2708 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Cary E. O'Connor
Primary Examiner
Art Unit 3732

ceo
May 20, 2002